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27 September 1992

Office of the Secretary
Federal Communications Commission
Washington, DC 20554

MAIL BRANCH

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Sir or Ma'am:

In the matter of PR Docket no. 92-136, I would like to formally file the following comments.

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

I. INTRODUCTION

The requests by most of the petitioners are unnecessary in light of the current Section 97.113 and the charter of the amateur radio service. The proposed 97.113 introduces leverage in contention with the charter of the amateur radio service, especially when interpretation of the newly proposed 97.113 is eventually left to a corps of operators out of touch with the current unspoken and formally undocumented tradition.

II. DISCUSSION

In P2 of the NPRM, the current rules are accused of preventing operators from participating in many public service activities and from satisfying their personal communication requirements. These are two of four areas I wish to comment on.

"Public Service" is not a banner under which to allow, as stated in P4, each licensee to "...determine for himself or herself whether a particular... project... is a reasonable use of amateur service frequencies." For heaven's sake, what is Part 97 for?! It is there to inherently prevent individual interpretation of what is acceptable.

Some people's dissatisfaction toward keeping the current prohibition of commercial communication is its inherent prohibition of *some* public service. (Realize that in a free market, any commercial enterprise is in existence as a public service. If not, it would have no customers.) However, supporting public service with commercial overtones is not appropriate use of amateur radio spectrum.

Part 97 does not indicate that satisfying personal communication requirements is a desirable goal for the amateur radio service. This concept is in blatant disregard of 97.1. For years we have appreciated friendships and congeniality that have been fallouts from the sterile provisions of Section 97.1, but wishing to formally eliminate this "unnecessary restriction" can only be supported by someone who wants to change the core purpose of the amateur radio service.

In P8, the amateur community is credited with a tradition of self-regulation and a strong commitment to distinguishing between the amateur service and other radio services. Indeed we have--when given the tools. The text of Part 97 is the only tool we have and this proposal overtly desires to move toward personal communication and blurring the distinction.

Serving personal needs is not an ancillary or incidental character of the NPRM. The structure and character of the proposed change pivots on this insidious and pervasive change. Using amateur radio for personal service is given no less than six times in the Discussion and Proposal as a reason for the change. There is no *a priori* reason to even have this as a goal! It blatantly conflicts with the charter of the amateur radio service.

For comparison, read Section 95.401 (statement of purpose for the CB Radio Service) of the Commission's Rules. In this service, personal communication is explicitly sanctioned. Because of this, the rest of Part 95 is predictable. It offers no "bite" to prevent the personally elective behavior so characteristic-

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ly distinguishing the two services.

The third area I'd like to comment on is that of allowing operators to accept compensation when teaching and using the amateur station as part of classroom instruction. Simply: Why? This drops like a bombshell in the Proposal section, predicated from none of the previous discussion or rationale! Amateur radio is a volunteer service (Is this not obvious?). Why are we allowing a licensee to be paid for his/her service? I have never understood why 97.113(b) allows a control operator of a club station to be paid.

Lastly, forbidding communication, on a regular basis, that could be reasonably furnished by other radio services is much more restrictive than the current 97.118. What communication can't be provided by another service given enough dollars? Is there some current unwritten interpretation that is expected to allow certain classes of communications to fall through? What precedence is there for interpreting "reasonably"? This requirement has never been tested in the scope of a primary prohibition--only in context of news communication of a specific event.

III. PROPOSED JUSTIFICATIONS FOR CHANGE

Three factors or reasons are put forward as basic for considering change. First, because the proposal appears to consolidate views of the amateur community, it is assumed to be proper. Relaxing rules will, of course, be welcomed. However, it is the Commission's job to write the regulations to define the amateur service, and so this "reason" is really only an abdication of responsibility. Who's leading? Who's following?

The second factor is that relaxing the rules will increase public service. Yes it will. However, in the specific cases proposed to be allowed, this increase conflicts with the more important prohibition of commercial exploitation.

The third reason basically states, "even though the commission will relax the rules, the amateur community will hold the reigns." We, as licensees, can only insist on following rules you provide. Otherwise it's left to personal whims, a factor already discussed above.

IV. SPECIFIC PROPOSALS

Paragraph (4) needs modification. The current 97.113 is structured so that this prohibition is under the umbrella of news dispersal. By listing it as a primary prohibited activity, it has much wider scope. The purpose of subparagraphs (4)(b) through (4)(f) is unclear. Are these to modify only the prohibition in (4)? What does teacher compensation have to do with regular communication services available elsewhere?

Add to paragraph (4)(e) to allow Ruh's request to retransmit music sourced only from the Space Shuttle. By itemizing the source, this becomes a particularly innocuous request and will not alter the nature and purpose of the service! Masking out shuttle music obviously requires extra human intervention and is an unnecessary restriction you should consider removing.

Delete (4)(c) and (4)(d) for reasons cited above. Amateur radio is chartered to be a voluntarily funded and operated service.

Sincerely,

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